

REMARKS

The Examiner's action dated January 18, 2006, has been received, and its contents carefully noted.

It is noted that a response to the criticism presented in section 1 on page 2 of the Action was filed on February 1, 2006.

In response to the double patenting rejection presented in section 3 on page 3 of the Action, submitted herewith is a Terminal Disclaimer. It is understood that this Terminal Disclaimer will overcome the only rejection of claims 1-13, thus placing those claims in allowable condition.

The rejection of claims 14-18 as unpatentable over Dichter in view of Willer is respectfully traversed for the reason that the novel apparatus defined in the rejected claims is not suggested by any reasonable combination of the teachings of the applied references.

Claim 14 is directed to an apparatus that enables a local area network in a building to transport both power and multiplexed digital telephone and packet-based data signals over a wiring composed of at least two conductors. The apparatus according to the invention, as defined in claim 14, includes a modem coupled to a wiring connector for data signal communication over the wiring, a digital telephone connector for establishing a digital telephone connection with a digital

telephone device, a coupler configured to pass only digital signals, the coupler being coupled to the digital telephone connector and to the wiring connector for coupling the digital telephone device to the digital telephone signal carried over the wiring, and a power consuming component connected to the wiring connector and powered by the power carried over the wiring.

The system disclosed in the primary reference, Dichter, bears virtually no similarity to the apparatus defined in application claim 14. Dichter simply discloses a plurality of nodes that are intended to each be connected to three telephone line pairs so that one telephone line pair carries analog telephone signals, while each of the other telephone line pairs carries digital signals in a respective direction.

Thus, whereas the apparatus defined in application claim 14 is constructed to be connected to wiring that carries both power and multiplexed digital telephone and data signals, the system disclosed by Dichter is not constructed to carry digital telephone signals or multiplexed digital telephone and data signals.

The differences between the limitations in each clause of application claim 14 and the disclosure of Dichter will now be discussed.

Claim 14 defines a wiring connector for connecting to the wiring that carries power and multiplexed signals. The explanation of the rejection appears to equate the claimed wiring connector to the entire node 10 shown in Figure 1 of the Dichter drawings. This does not provide an appropriate comparison with the claims because node 10 is also alleged to include all of the other elements recited in claim 14, which are connected to the wiring connector. If node 10 is equated to the claimed wiring connector, the other components shown in Figure 1 of the reference cannot properly be considered to be connected to the claimed wiring connector.

The only connectors shown in Figure 1 of the reference consist of a telephone connector 11 that is to be connected only to an analog telephone and network connectors 24 that would presumably be connected to a computer.

Claim 14 then defines a modem coupled to the wiring connector. In the explanation of the rejection, the claimed modem is equated to a transceiver 26 and reference is made to column 4, line 66 of the reference, which does not mention this transceiver. It is noted that the transceivers 26 of Dichter are coupled to network connectors 24, but not to telephone connector 11. This would suggest that, with respect to this claim recitation, the claimed wiring connector must be compared to network connectors 24.

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Claim 14 distinguishes over Dichter for the simple reason that a transceiver is not a modem; these two devices perform different functions. Attached hereto are two documents retrieved from the Internet that describe the differences between these two types of devices.

Claim 14 then recites a digital telephone connector operative for establishing a digital telephone connection with a digital telephone device. The Examiner acknowledges that Dichter does not disclose such a telephone connector.

The explanation of the rejection appears to indicate that the claimed digital telephone connector relates most closely to telephone connector 11 shown in Figure 1 of the Dichter reference drawings. This would appear to confirm that the rejection is based on the position that the claimed wiring connector is not being equated to telephone connector 11.

Application claim 14 further recites a coupler, now defined as being configured to pass only digital telephone signals, coupled to the digital telephone connector and to the wiring connector for coupling the telephone device to the digital telephone signal carried over the wiring. In the explanation of the rejection, the coupler is compared with a low pass filter 12 shown in Figure 1 of the Dichter reference drawings. Comparison of this low pass filter with the claimed coupler is not justified because filter 12 is not connected to

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network connectors 24, which, as noted above, are the only connectors that can be conceivable be compared with the claimed wiring connector. Furthermore, filter 12 is configured to separate an analog telephone signal from a high frequency power signal and does not meet the terms of amended claim 14 because it is not configured to pass only digital signals, or even to pass digital signals at all. Moreover, telephone line 14, which is not a connector, does not carry digital telephone signals.

Finally, application claim 14 defines a power consuming component coupled to the wiring connector and powered by the power carried over the wiring. With respect to this component, the explanation of the rejection refers to power supply 16. Although it is true that power supply 16 receives power from telephone line 14, there is no basis for the assertion that the power supply is a "power consuming" component. The purpose of power supply 16 is to convert the high frequency power signal provided over telephone line 14 into DC power. A power supply is designed to not consume power, but to convert the power from one form to another with maximum efficiency.

It is thus clear that claim 14 distinguishes over Dichter in a number of significant respects.

The secondary reference, Willer, simply describes an ISDN digital telephony line network, which carries digital telephone signals in a respectively opposite directions over two wire pairs. These wire pairs are also used to carry data in a home network.

It should be readily apparent that the system disclosed by Willer differs in fundamental respect from that of Dichter and that replacement of the analog telephone system of Dichter, in which telephone signals are carried by a single wire pair, by the ISDN telephone system of Willer, which requires two wire pairs, would be contrary to the teachings of, and defeat the purposes of, Dichter.

Such a modifications would additionally be contrary to the teachings of Dichter because the wire pairs of an ISDN telephone system cannot be used to carry power, which would damage or destroy the resistors terminating the ISDN wire pairs. Furthermore, even if the references were combined in a manner suggested in the explanation of the rejection, the resulting system would still not contain a modem or a coupler between the digital telephone connector and the wiring connector, or a power consuming component coupled to the wiring connector.

At least dependent claim 17 further distinguishes over any combination of the applied references by its

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recitation of features that are not disclosed in the references and were not discussed in the explanation of the rejection.

Claim 19 defines more clearly over the applied references by its recitation that the power and multiplexed digital telephone and data signals are carried over a single wire pair and that the wiring connectors adapted to pass the power and the multiplex digital telephone and data signals. Claim 19 clearly distinguishes over the system disclosed by Dichter, in which telephone and data signals are carried over different wire pairs and the wiring connectors "24" are not adapted to pass power and multiplexed digital telephone signals. Claim 19 distinguishes over the system disclosed by Willer, in which telephone and data signals are carried over two wire pairs, which do not carry power.

In view of the foregoing, it is requested that all of the rejections of record be reconsidered and withdrawn, that all of the pending claims be allowed and that the application be found in allowable condition.

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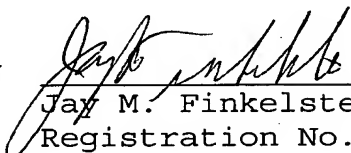
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If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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